

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,
Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC,

Adv. Pro. No. 09-01364 (SMB)

Plaintiff,

v.

HSBC BANK PLC, *et al.*,

Defendants.

**STIPULATION AND ORDER
APPOINTING MEDIATOR AND
PROVIDING OTHER RELIEF**

Upon this Court's Order Granting the Motion of Alpha Prime Fund Ltd. and Senator Fund SPC for an Order Pursuant to Section 105(a) of the Bankruptcy Code and General Order M-390 Authorizing Alternative Dispute Resolution Procedures (the "**Mediation Order**"; ECF No. 294) and requiring the Trustee, Alpha Prime Fund Ltd., and Senator Fund SPC (collectively, the "**Parties**") to choose a mediator within seven calendar days after entry of the Order; and the Parties having conferred and reached agreement.

IT IS HEREBY STIPULATED AND AGREED, by and through the Parties' undersigned counsel:

1. Robert Rosenberg, Esq. is the Parties' choice to serve as the mediator (the "**Mediator**") and the Mediator, by his signature below, has accepted the appointment.

2. The Mediation shall be conducted during in-person session(s) attended by one or more representatives for each Party selected by that Party, or if the Mediator deems appropriate, in separate sessions with the chosen representatives of one Party or another.
3. The Mediator and the Parties' representatives shall participate in a conference call on Monday, April 28, 2014, at 10:00 a.m., or another mutually convenient date and time, to (i) schedule, as far as practicable, the dates of the Mediation session(s), and (ii) fix certain mediation procedures that the Parties must follow (the "Mediation Procedures").
4. The terms of the Mediator's compensation and expense reimbursements shall be set forth in a separate engagement agreement to be entered into by the Parties and the Mediator.
5. The Mediation session(s) shall take place at the offices of Baker & Hostetler LLP, 45 Rockefeller Center, New York, NY 10111.
6. Any terms of the Mediation not set forth herein shall be governed by the Order, the Mediation Procedures, or subsequent order of this Court.

[signatures to follow on next page]

Dated: New York, NY
April 28, 2014

BAKER & HOSTETLER LLP

DUFFYAMEDEO LLP

By: /s/ Geoffrey A. North
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

By: /s/ Todd E. Duffy
Todd E. Duffy
Douglas A. Amedeo
275 Seventh Avenue, 7th Floor
New York, NY 10001
Tel: (212) 729-5832
Fax: (212) 208-2437

Oren J. Warshavsky
Email: owarshavsky@bakerlaw.com
Geoffrey A. North
Email: gnorth@bakerlaw.com
Dominic A. Gentile
Email: dgentile@bakerlaw.com

*Attorneys for Defendants Alpha Prime Fund
Ltd. and Senator Fund SPC*

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and Estate of
Bernard L. Madoff*

Accepted:

Robert J. Rosenberg, Esq.
Mediator

/s/ Robert J. Rosenberg
Robert J. Rosenberg, Esq.
125 East 61st Street
New York, NY 10065
(917) 273-5216

IT IS SO ORDERED:

Dated: April 28th, 2014
New York, NY

/s/ STUART M. BERNSTEIN
Stuart M. Bernstein
United States Bankruptcy Judge